

Serial No. 09/852995

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Art Unit: 2167

REMARKS

Claim 1 has been amended to incorporate the feature of Claim 6. Claim 16 has been amended to incorporate the features of Claim 20 and 21, and Claim 31 has been cancelled.

Claim Rejections – 35 USC § 103

Applicants submit that these claim rejections are moot in view of the claim amendments.

Claim Rejections – 35 USC § 103

Applicants submit that Thro does not disclose or even suggest that "the server generates data which results in the automatic opening of a communications application" as claimed in Claim 1.

Rather, in Thro, the server "provides notice of a message to the receiving party based on the message priority" (column 2 line 66 to column 3 line 1), if "the receiving party is not available, the notice is stored in the database for later delivery, or forwarded to a surrogate of the receiving party" (column 3 lines 4 to 6). Thro also states that "the receiving party retrieves the message" (column 3 line 7). It can therefore be seen that the skilled person on reading Thro would learn to store any data sent by the server until the receiving party is ready to retrieve the message.

Furthermore, whilst Thro discloses that notices of messages, or message contents, can be sent to a user's e-mail account, Thro does not disclose or even suggest that an e-mail package such as Outlook would automatically open on receipt of a message or notice of a message.

With reference to the disclosure by Swartz, Claims 1 and 16 have been amended to specify that the communications application is "communications application software", for example, a software application for viewing e-mails. Applicants respectfully submit that

the person skilled in the art would understand that setting up a communications link between two end points is not the equivalent of executing communications applications software at a device as specified in amended Claims 1 and 16.

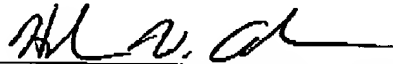
Applicants therefore submit, for the above stated reasons, that Claims 1 and 16 are not obvious in view of the combination of Thro and Swartz. Furthermore, applicants submit that Claims 2 to 5, 7 to 14, 17 to 19 and 22 to 29 are not obvious at least by virtue of their dependency upon Claims 1 or 16.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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